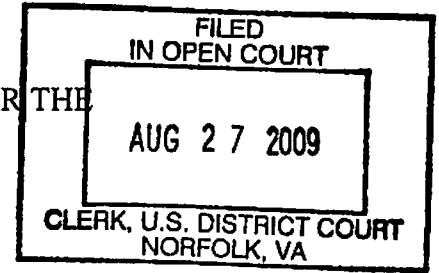


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Newport News Division



UNITED STATES OF AMERICA

v.

DAVID ANTHONY RUNYON,

Defendant

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)  
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)

Criminal No. 4:08cr16

**SPECIAL VERDICT FORM - SELECTION PHASE**

**I. NON-STATUTORY AGGRAVATING FACTORS**

**Instructions:** For each of the following factors, answer "YES" or "NO" as to whether you, the jury, unanimously find that the United States has established the existence of that non-statutory aggravating factor beyond a reasonable doubt.

Factor 1. The defendant, DAVID ANTHONY RUNYON, caused injury, harm, and loss to the victim, Cory Allen Voss, and the victim's family and friends, as shown by the victim's personal characteristics and by the impact of his death upon the victim's family, friends, and co-workers.

YES ☒ \_\_\_\_\_  
NO \_\_\_\_\_

Factor 2. The defendant, DAVID ANTHONY RUNYON, utilized education, training, and experience that he received in college courses focused on criminal justice, and as a law enforcement and correctional officer, as an officer of the Kansas National Guard, and as a member of the United States Army, to kill Cory Allen Voss.

YES ☒ \_\_\_\_\_  
NO \_\_\_\_\_

Factor 3. The defendant, DAVID ANTHONY RUNYON, engaged in acts of physical abuse toward women, including, but not limited to, his estranged spouse and former girlfriend.

YES X  
NO \_\_\_\_\_

Factor 4. The defendant, DAVID ANTHONY RUNYON, has demonstrated a lack of remorse for murdering Cory Allen Voss as demonstrated by the evidence in the case.

YES X  
NO \_\_\_\_\_

Instructions: Regardless of whether you answered "YES" or "NO" with respect to any of the Non-Statutory Aggravating Factors in Section I above, continue your deliberations in accordance with the Court's instructions and proceed to Section II.

## II. MITIGATING FACTORS

Instructions: For each of the listed mitigating factors, you have the option to indicate in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. If you choose not to make these written findings, cross out that factor with a large "X" and then continue your deliberations in accordance with the instructions of the Court.

Regardless of whether or not you choose to make written findings with respect to any or all of the mitigating factors, a finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who concur that the factor has been established.

### A. Statutory Mitigating Factors

1. DAVID ANTHONY RUNYON does not have a serious criminal record.

Number of jurors who so find 12.

2. Other persons equally culpable in the crime will not be punished by death.

Number of jurors who so find 12.

B. Additional Non-Statutory Mitigating Factors

1. DAVID ANTHONY RUNYON will serve a sentence of life in prison without the possibility of release if not sentenced to death.

Number of jurors who so find 12.

2. DAVID ANTHONY RUNYON has worked and has been legally employed for all of his life.

Number of jurors who so find 10.

3. DAVID ANTHONY RUNYON committed acts of kindness and generosity for his neighbors and his community.

Number of jurors who so find 11.

4. DAVID ANTHONY RUNYON grew up, witnessed, and experienced, domestic violence and parental conflict until his mother and biological father separated.

Number of jurors who so find 11.

5. DAVID ANTHONY RUNYON has demonstrated his ability to make a positive adjustment to incarceration.

Number of jurors who so find \_\_\_\_\_.

6. DAVID ANTHONY RUNYON has the respect and support of correctional officers.

Number of jurors who so find 0.

7. DAVID ANTHONY RUNYON has had no disciplinary write-ups while incarcerated and has helped other inmates conduct themselves in non-violent or non-aggressive ways.

Number of jurors who so find \_\_\_\_\_.

8. DAVID ANTHONY RUNYON does not present a risk of future violence or danger to the public while in prison for the rest of his life.

Number of jurors who so find \_\_\_\_\_.

9. David Anthony Runyon, Jr., the son of DAVID ANTHONY RUNYON, will suffer emotional harm if his father is executed.

Number of jurors who so find 12.

10. Suk Cha Runyon, the mother of DAVID ANTHONY RUNYON, will suffer emotional harm if her son is executed.

Number of jurors who so find 12.

11. DAVID ANTHONY RUNYON served his country as a member of the United States Army and was honorably discharged.

Number of jurors who so find 12.

12. DAVID ANTHONY RUNYON graduated from high school and earned an associate of arts degree from Wentworth Military Academy and took further college courses to expand his education.

Number of jurors who so find 12.

C. The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more jurors. If none, write "NONE." If more space is needed, write "CONTINUED" and use the reverse side of this page.

David A. Runyon continued to witness and experience domestic violence and parental conflict/abuse from mother and adoptive father.

Number of jurors who so find 12.

Mark Runyon, brother of David A. Runyon will suffer emotional harm if his brother is executed

Number of jurors who so find 12.

David A. Runyon was given the impression that Cory Voss was molesting his daughter.

Number of jurors who so find 11.

### III. RECOMMENDATION

Based upon consideration of whether the aggravating factors (statutory and non-statutory) found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous vote, that the following sentence should be imposed upon the defendant, DAVID ANTHONY RUNYON:

#### COUNT ONE - (Conspiracy to Commit Murder for Hire)

A. Death X

or

B. Life Imprisonment Without Possibility of Release \_\_\_\_\_

#### COUNT TWO - (Carjacking Resulting in Death)

A. Death \_\_\_\_\_

or

B. Life Imprisonment Without Possibility of Release X

or

C. Some Other Lesser Sentence \_\_\_\_\_

#### COUNT FIVE - (Murder with a Firearm in Relation to a Crime of Violence)

A. Death X

or

B. Life Imprisonment Without Possibility of Release \_\_\_\_\_

or

C. Some Other Lesser Sentence \_\_\_\_\_

IV. CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same decisions without regard to these considerations.

All jurors and foreperson sign below:

REDACTED COPY

Pursuant to the E-Government Act,  
the original of this page has been filed  
under seal in the Clerk's Office.

FOREPERSON \_\_\_\_\_

Date: August 27, 2009.